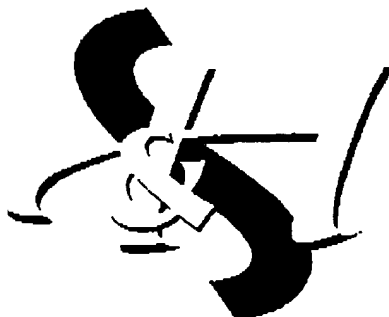


MAY 30 2006



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Fax

INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Thomas E. Toner
Attn:	Examiner David C. Thomas – Art Unit 1637	Client:	1372.120.PRC
Fax:	(571) 273-8300	Pages:	16 including coversheet
Phone:	(571) 272-3320	Date:	May 30, 2006
Re:	USSN: 10/707,747	CC:	University of South Florida (Assignee)

☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Dear Examiner Thomas:

In response to the non-final office action mailed February 28, 2006, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated May 30, 2006- (2 pages);
- 2) Amendment A with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated May 30, 2006- (12 pages); and
- 3) Credit Card Payment Form PTO-2038 in the amount of \$25.00 – (1 page).

Very respectfully,

Thomas E. Toner  
USPTO Reg. No. 57,422

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

MAY 30 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/707,747 Confirmation No. 1746  
Applicant : John H. Paul  
Filed: : 01/08/2004  
TC/A.U. : 1637  
Examiner : David C. Thomas  
Docket No. : 1372.120.PRC  
Customer No. : 21,901  
For : Detection of Red Tide Organisms by Nucleic Acid Amplification

Transmitted to Central Fax at (571) 273-8300  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicants are independent inventors.

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

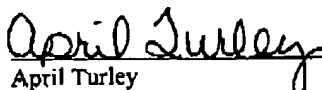
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment A, including Amendments to the Claims and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Attn: David C. Thomas, Art Unit 1637, (571) 273-8300, on May 30, 2006.

Dated: May 30, 2006

  
April Turley

(Amendment Transmittal - Page 1 of 2)

MAY 30 2006

## FEE FOR CLAIMS

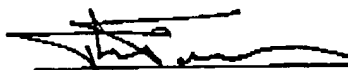
4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col.2)	(Col.3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	21	Minus	20	= 1	x \$25 =	\$25.00
Indep.	3	Minus	3	= 0	x \$100 =	\$0.00
First Presentation of Multiple Dependent Claim					+ \$180 =	\$0.00
Total					Addit. Fee	\$25.00

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
  - \*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
  - \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

An additional fee for claims is required. Credit Card for PTO-2038 is attached.

Very respectfully,



SIGNATURE OF PRACTITIONER

Reg. No. 57,422  
Tel. No.: (813) 925-8505

Thomas E. Toner  
Smith & Hopen, P.A.  
180 Pine Avenue North  
Oldsmar, Florida 34677

(Amendment Transmittal - Page 2 of 2)

~~MAY 30 2006~~

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/707,747 Confirmation No. 1746  
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Customer No. : 21,901  
For : Detection of Red Tide Organisms by Nucleic Acid Amplification

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Non-Final Office Action mailed February 28, 2006, having a statutory period for response set to expire May 28, 2006, the above-identified patent application is amended a first time as follows:

Amendment A  
(37 C.F.R. § 1.111)

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 2 of this paper.

05/31/2006 TL0111 00000001 10707747

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